



An
Bord
Pleanála

Inspector's Report ABP-308718-20

Development

Permission for cladding in brick or rendered masonry over thermal insulation to existing exterior walls of existing domestic structure. And for permission for retention of the existing development as constructed

Location

The Black Road, Cloncullen,
Robinstown, Co Meath

Planning Authority

Meath County Council

Planning Authority Reg. Ref.

NA201185

Applicant(s)

Hugh Vincent O'Dowd.

Type of Application

Planning Permission.

Planning Authority Decision

Refuse Permission.

Type of Appeal

First Party

Appellant(s)

Hugh Vincent O'Dowd.

Observer(s)

None.

Date of Site Inspection

6th April 2021.

Inspector

Elaine Sullivan

1.0 Site Location and Description

- 1.1. The appeal site has a stated area of 0.243 ha, is located c. 5 km to the north east of Trim in a rural area close to the village of Robinstown. It is rectangular in shape and is bounded to the north by a narrow local road known as the Black Road, (the L-40231-0). The lands along the Black Road are predominantly agricultural with a number of farms yards in place along the road. The road also affords access to a considerable number of one-off dwelling houses along its length.
- 1.2. To the west of the site is a bungalow, which faces north onto the local road. To the south and east the site is bounded by an open field. There is timber fencing in place along the south, east and western boundaries of the site and a vehicular access has been formed in the hedgerow along the northern boundary. A gravel pathway runs along from the site entrance along the eastern boundary of the site.

2.0 Proposed Development

- 2.1. Planning permission is sought for the application of cladding in brick or rendered masonry over thermal insulation to existing exterior walls of an existing structure in residential use.
- 2.2. Planning permission is also sought to retention the structure, which comprises a single storey dwelling of c. 62 sq metres including a kitchen lounge, a sitting room and two bedrooms each with an ensuite bathroom. Associated works to be retained include an associated well and wastewater treatment unit with percolation area and a gravel driveway.
- 2.3. The structure has been erected to the rear of the site, approximately 45m away from the vehicular access and public road. The wastewater treatment system/ polishing filter has been installed to the front of the structure and a bored well has been sunk approximately 3m from the rear site boundary.

3.0 Planning Authority Decision

3.1. Decision

Planning permission was refused by the Planning Authority for the following reasons;

1. Having regard to the significant pressure for housing along the road, the subject of the application and to the substantial amount of housing already existing in this area which is not zoned for residential development, the Planning Authority considered that the development to be retained would constitute an undesirable pattern of ribbon development, would contravene section 10.5.2 of the Meath County Development Plan 2013-2019 (as varied), would seriously injure the residential and rural amenities of the area and would, therefore, be contrary to the proper planning and sustainable development of the area.
2. Having regard to the design and appearance of the dwelling to be retained, in particular log cabin type design is considered to be at variance with rural building traditions and the rural character of this location and would establish an undesirable future precedent. The proposed development would therefore, materially contravene the Meath Rural Design Guide, (Appendix 15) of the Meath County Development Plan 2013-2019 (as varied) in relation to the design of new dwellings in rural areas and as such would be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The decision of the Planning Authority to refuse permission was informed by the report of the Planning Officer from the 19th October 2020, which includes the following comments;

- The Planning Authority is cognisant of the previous planning history on the site, which includes two refusals for a detached house.
- The applicant is seeking permission based on the qualification for housing need for returning emigrants and for persons who have spent substantial periods of their lives living in rural areas.
- Based on the information submitted the applicant has demonstrated a local need in compliance with the requirements of the Development Plan. Therefore the principle of development is acceptable.

- The Planning Authority has concerns regarding the impact of the proposal in terms of extending the existing pattern of ribbon development on the road.
- The log-cabin like structure is at variance with rural vernacular traditions and would not be in accordance with the current Meath Rural Design Guide. As such it would have a harmful visual impact.
- The structure itself would not have a harmful impact on the residential amenity adjoining property by virtue of its scale and separation distance.
- There is no objection to the vehicular access to the site.

3.2.2. Other Technical Reports

Transportation Department – No objection to the proposed development subject to conditions.

3.3. Prescribed Bodies

No reports received.

3.4. Third Party Observations

One third party observation was received from an adjoining neighbour. Concerns were raised that the development was carried out in the backlands to the rear of their property, which would have a negative impact on their privacy.

4.0 Planning History

NA/171013 – Planning permission refused by the Planning Authority on the 18th October 2017 for a single storey dwelling, domestic entrance and driveway, proprietary wastewater treatment system, polishing filter and bored well together with all associated site works. The reason given for refusal is as follows;

Having regard to the significant pressure for housing along the road the subject of the application and to the substantial amount of housing already existing in this area, which is not zoned for residential development, it is considered that the proposed development would constitute an undesirable pattern of ribbon development, would contravene section 10.5.2 of the Meath County Development Plan 2013-2019, would

seriously injure the residential and rural amenities of the area and would, therefore, be contrary to the proper planning and sustainable development of the area.

PL17.245799, (PA Ref. NA/150976) – Planning permission refused by An Bord Pleanála on the 15th day of April 2016 for the erection of a single storey dwelling, domestic garage, domestic entrance and driveway, proprietary wastewater treatment system and polishing filter for the following reason;

Having regard to the significant pressure for housing along the road the subject of the application and to the substantial amount of housing already existing in this area, which is not zoned for residential development, it is considered that the proposed development would constitute an undesirable pattern of ribbon development, would contravene section 10.5.2 of the Meath County Development Plan 2013-2019, would seriously injure the residential and rural amenities of the area and would, therefore, be contrary to the proper planning and sustainable development of the area.

PL17.243400 (PA Ref. NA/130956) – Planning permission refused by An Bord Pleanála on the 10th September 2014 for the construction of a one and a half storey detached house with garage, wastewater treatment system and percolation area, and new site entrance. The development was refused for the following reason;

Having regard to the significant pressure for housing along the road the subject of the application and to the substantial amount of housing already existing in this area which is not zoned for residential development, the Board considered that the proposal would constitute undesirable Ribbon development, would contravene Section 10.5.2 of the Meath County Development Plan and would be injurious to the residential and rural amenities of the area.

5.0 Policy Context

5.1. Meath County Development Plan 2013-2019

The subject site is located outside of the development boundary of any designated settlement and is not zoned.

Landscape Character;

The site is located in a Lowland Landscape of Moderate Value. (Appendix 7; Meath Landscape Character Assessment, Map 01 & 02).

Rural Area Type;

The site is located in a Low Development Pressure Area, (Map 10.1 – Rural Area Types).

RD POL 1 - To ensure that individual house developments in rural areas satisfy the housing requirements of persons who are an intrinsic part of the rural community in which they are proposed, subject to compliance with normal planning criteria.

RD POL 6 - To accommodate demand for permanent residential development as it arises subject to good practice in matters such as design, location and the protection of important landscapes and any environmentally sensitive areas.

Section 10.4;

The Planning Authority will support proposals for individual dwellings on suitable sites in rural areas relating to natural resources related employment where the applicant can demonstrate local housing need based on;

- Involvement in agriculture,
- Employment in specific industry that requires the applicant to live in the rural area.

Additional local need can be considered where;

- Persons have spent substantial periods of their lives in the rural area,
- Persons originally from the area and in substandard or unacceptable housing scenarios who have close family ties with rural communities,
- Returning emigrants with connections to the land,
- Persons with rural based employment,
- Exceptional health circumstances require housing at a specific location.

10.5.1 - Development Assessment Criteria;

The following matters will also be considered when assessing development proposals;

- The housing need of the applicant,
- Local circumstances – the degree to which the area has been developed,
- The degree of existing development on the original landholding,
- The suitability of the site in terms of access, wastewater disposal and house location,
- The degree to which the proposal might be considered to be infill development.

10.5.2 – Ribbon Development

Ribbon development is considered to be a high density of almost continuous road frontage type development, for example where 5 or more houses exist on any one side of a given 250 metres of road frontage.

The following considerations apply when assessing whether a proposal will exacerbate ribbon development;

- The type of rural area and circumstances of the applicant;
- The degree to which the proposal might be considered infill development, and;
- The degree to which existing ribbon development would be extended or whether distinct areas of ribbon development would coalesce as a result of the development.

RD POL 9 - To require all applications for rural houses to comply with the 'Meath Rural House Design Guide'.

5.2. National Policy

5.2.1. Sustainable Rural Housing Guidelines for Planning Authorities, (DEHLG 2005).

The subject site is identified as an Area Under Strong Urban Influence. The key Development Plan objective for these areas should be to facilitate the housing requirements of the rural community as identified by the Planning Authority whilst

also directing urban generated development to areas zoned for new housing development.

Appendix 4 – Ribbon Development

Areas characterised by ribbon development will exhibit characteristics such as a high density of almost continuous road frontage type development, i.e. where 5 or more houses exist on any one side of a given 250 metres of road frontage.

5.2.2. **National Planning Framework - 2040;**

National Policy Objective 19 - Ensure, in providing for the development of rural housing, that a distinction is made between areas under urban influence, i.e. within the commuter catchment of cities and large towns and centres of employment, and elsewhere:

In rural areas under urban influence, facilitate the provision of single housing in the countryside based on the core consideration of demonstrable economic or social need to live in a rural area and siting and design criteria for rural housing in statutory guidelines and plans, having regard to the viability of smaller towns and rural settlements.

5.3. **Natural Heritage Designations**

No designations apply to the appeal site.

6.0 **The Appeal**

6.1. **Grounds of Appeal**

The grounds of appeal are summarised as follows;

- The structure constructed on site is a simple, well-mannered, small house which ticks one of the boxes of the Meath Rural House Design Guide.
- There is no coherent explanation put forward as to how the ribbon development issue in this case can be said to injure the residential and rural

amenities of the area when the numerical stipulation given in the recommended guidance has not been breached.

- The description of housing pressure is not upheld by the data as there is modest development activity on the road, which is primarily agricultural.

6.2. Planning Authority Response

A response from the Planning Authority was received on the 14th December 2020 and contains the following;

- The correspondence and content of the First Party appeal is noted and all the matters raised herein have been addressed in the report of the Planning Officer.
- The PA requests that their decision to refuse planning permission be upheld.

6.3. Observations

- No observations were received.

7.0 Assessment

7.1. Having examined the application details and all other documentation on file, inspected the site and having regard to relevant local/regional/national policies and guidance, I consider that the main issues in this appeal relate directly to the reasons for refusal which are;

- Principle of Development
- Design & Siting
- Other Issues – Access and Drainage
- Appropriate Assessment

7.2. Principle of Development

The subject site is located on unzoned land in a rural area which is identified as a Low Development Pressure Area in the CDP. I note that the Sustainable Rural Housing Guidelines 2005, categorise this area as an Area Under Strong Urban Influence. This categorisation is further supported by the provisions of the National Planning Framework, (NPF), whereby the subject site is deemed to be in the commuter catchment of a large town, (i.e. Navan). Objective 19 of the NPF seeks to facilitate the provision of single housing in rural areas under urban influence based on the core consideration of demonstrable economic or social need to live in a rural area, and siting and design criteria for rural housing in statutory guidelines and plans, having regard to the viability of smaller towns and rural settlements.

The subject site is located approximately 7km from Trim and 9km from Navan, which allows for ease of access to both urban settlements. The village of Robinstown is also approximately 2km from the subject site. On the occasion of the site inspection, it was evident that the Black Road, and the surrounding local roads, has undergone significant development pressure in the form of one-off houses.

Whilst national guidance identifies the area as one subject to urban development pressure, the CDP has categorised it as Area 3 – Low Development Pressure. RD Policy 6 is relevant in this instance and seeks, 'To accommodate demand for permanent residential development as it arises subject to good practice in matters such as design, location and the protection of important landscapes and any environmentally sensitive areas'. The CDP also allows for the consideration of applications for individual houses in rural areas where a housing need can be demonstrated in accordance with Section 10.4 of the CDP.

The applicant is seeking planning permission for a dwelling on the site under the criteria outlined in Section 10.4 on the basis that he is a returning emigrant and has spent a substantial period of his life living in rural areas. To demonstrate local need under this criteria he has submitted the following documentation to the PA;

- Local Need Form
- Information to support the facts that the applicant was born in Trim and has lived in Australia for the past 39 years.

- Local needs supporting statements submitted with the previous application, (PL 17.245799, PA Ref. NA/1509676).
- Letter from local national school in Robinstown, confirming the applicant's attendance.
- Copies of Birth Cert, Passport, Baptismal and Confirmation certificates.
- Bills confirming current address in Australia.

The PA were satisfied that the applicant has demonstrated sufficient local need as per Section 10.4 of the CDP. However, whilst the applicant has demonstrated that he is from the local area, I am not satisfied that he has demonstrated an economic or social need to live in the rural area as recommended by the NPF. The applicant is still residing in Australia and has not included any information as to when he will be returning to live in the area. He has also submitted information to state that his sister is currently residing in the structure on the site. It is unclear from the application as to who would be living in the structure on a long-term basis, and in my opinion, this issue requires clarification should the Board be minded to grant permission for the development.

7.3. Design & Location

The single storey structure is small in scale and has a timber finish. It is proposed to clad the exterior with external insulation and a masonry or brick finish. The structure has been positioned to the rear of the site, approximately 45m from the public road, and is oriented to face east with the gable ends to the north and south. The northern gable of the structure is positioned approximately 18m behind the rear elevation of the adjoining house to the west.

In my opinion, both the appearance of the structure and its placement within the site, are not in accordance with the guidance contained in the Meath Rural House Guide. The positioning of the structure to the rear of the site and behind existing housing, has given no consideration to the established building line of the dwellings directly to the east. This has resulted in a backland-style development with the structure positioned to the rear of the adjacent dwelling. Section 3.1 of the Rural House Guide recommends that this form of development be avoided as it 'bears no relationship

with its surrounding or external spaces, no sheltering and no privacy'. The guidance also notes that positioning a dwelling to the rear of existing houses can compromise the private residential amenity of existing and established dwellings. I note that some landscaping is shown on the application drawings which would help to provide privacy. However, the basic principle of locating a new house behind the building line of an existing dwelling is not best practice and should be avoided.

Whilst the structure is small in scale, it bears no reference to the traditional vernacular rural building typology by virtue of its timber finish, proportions and pattern of fenestration. I note that permission is sought to clad the structure with brick or rendered masonry over thermal insulation, which would alter the appearance of the structure. However, in my opinion the overall positioning within the site and on the rural road are the primary considerations regarding the suitability of the proposal.

Planning history for the site includes a number of decisions to refuse permission which consistently refer to the exacerbation of ribbon development along the rural road. In my opinion, this issue is of primary importance and has not been resolved.

I note the previous Board decisions for the site, (PL17. 245799 & PL17.243400 and the most recent Inspector's report, Ref. PL17.243400. The pattern of development within the context of the site has not changed since the previous Planning Inspector's assessment and the Board decision under Ref. PL17.243400. Directly to the west of the site, on the same side of the road, are two detached houses. To the east of the site and within 250m, are three detached dwellings on the same side of the road. I note that there are 2 no. dwellings in place to the north of the site and within close proximity.

It is my opinion, in conjunction with the Inspector and the Board in their recommendation and decision on foot of PL17. 245799 and PL17.243400, that the proposed dwelling would give rise to an addition of a fifth dwelling house within a 250m frontage, when measured to the east of the subject appeal site and taking into account the dwelling to the west, thus giving rise to ribbon development.

The impact of ribbon development is assessed under Section 10.5.2 of the CDP, which states that consideration must be had to the degree to which the proposal might be considered to be infill development, the degree to which existing ribbon development would be extended or whether distinct areas of ribbon development

would coalesce as a result of the development. It is my view that the development proposed does not constitute infill development and would contribute to ribbon development along the rural road.

The narrow country road has undergone significant development of one-off houses with 7 no. houses in place, (not including the subject structure), within a 450m span to the east and west of the subject site. In my opinion the subject proposal would contribute to the existing pattern of ribbon development along the road and would represent an unwelcome pattern of development that would militate against the preservation of rural environment and the efficient provision of public services and infrastructure.

7.4. Other Issues

Access

Planning permission is sought to retain the existing vehicular access and gravel access laneway constructed along the eastern boundary of the site. The access is shown as approximately 8m in width on the Site Plan. A sight line of 90m is also shown in each direction from the vehicular access.

The local access road is of narrow width, with grass verges on either side and hedgerows behind. The carriageway is only wide enough for one vehicle and passing cars must pull into the verge when they meet. The road itself is straight and level and I am satisfied that sightlines of 90m in either direction can be achieved, as required by the NRA document Design Manual for Roads and Bridges (DMRB), Section TD41-42/09. However, should planning permission be granted for the development this would result in additional traffic movements along the substandard local road.

Drainage

The development would be served by a new onsite packaged wastewater treatment system and polishing filter. This system has been installed on the site and the sand polishing filter is located to the front of the site and approximately 9m to the east of the adjacent house. A new well has been sunk to the rear of the site and is approximately 33m from the polishing filter to the front of the site. This separation

distance is in accordance with the guidance contained within the EPA Code of Practice; Wastewater Treatment and Disposal Systems Serving Single Houses 2009. I note that the site is mainly flat with no steep changes in gradient. No details have been supplied with regard to the wastewater treatment arrangements or groundwater well on the adjoining site to the west.

A Site Characterisation Form was prepared and having assessed the details of the site characterisation tests against the EPA Code of Practice, Wastewater Treatment Systems for Single Houses (2010). The CoP indicates that the site falls within the R1 response category, where an on-site system is acceptable subject to normal good practice. The T and P results shown on the form indicate that the site is suitable for a wastewater treatment system of the type proposed. I am satisfied that the that the results are in accordance with EPA guidance and that the system proposed will be adequate. The information submitted does not state how the surface water run-off from the development will be addressed within the site. However, this matter could be addressed through the attachment of a planning condition should be Board be minded to grant permission.

7.5. Appropriate Assessment

Having regard to the nature and scale of the proposed development and the separation distance to the nearest European site, no Appropriate Assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

8.0 Recommendation

8.1. I recommend that planning permission be refused for the proposed development.

9.0 Reasons and Considerations

1. Having regard to the significant pressure for housing along the Black Road, and to the substantial amount of housing already existing in this area, which is

not zoned for residential development, and is identified as an Area Under Strong Urban Influence in the Sustainable Rural Housing Guidelines, 2005 and the National Planning Framework, it is considered that the proposed development for a stand-alone residential structure would constitute an undesirable pattern of ribbon development, and would contravene section 10.5.2 of the Meath County Development Plan 2013-2019. The development would seriously injure the residential and rural amenities of the area and militate against the preservation of the rural environment and the efficient provision of public services and infrastructure. It would, therefore, be contrary to the proper planning and sustainable development of the area.

2. The proposed development for the application of cladding to an existing structure and the retention of this structure and associated works, would result in an unsatisfactory standard of development by virtue of the design and location of the structure within the site. The proposal is not in accordance with the provisions of the Meath County Development Plan 2013-2019, and in particular with the Meath Rural House Guide and as such would be contrary to the proper planning and sustainable development of the area.

Elaine Sullivan
Planning Inspector

13th April 2021